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HCP.No.2585 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2585 of 2024

Ramya

...Petitioner /wife of the detenu

Vs

1. The Additional Chief Secretary to the Government,
State of Tamil Naldu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The District Magistrate & District Collector,
Office of the District Magistrate and District Collector,
Ariyalur District, Ariyalur.
3. The Superintendent of Police,
Trichy Central Prison,
Trichy District,
4. The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur District.
5. The Inspector of Police,
Thirumanur Police Station,
Ariyalur District

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, in connection with the detention order of the respondent no.2 in Cr.M.P.No.29 of 2024 dated 05.09.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Arjunraj, S/o. Murugan, aged about 34 years, now detained as "GOONDA" at Trichy Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr. R. Alagumani
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the District Collector & District Magistrate, Ariyalur, in Cr.M.P.No.29 of 2024 dated 05.09.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Admittedly, the known language to the detenu in the present case is 'Tamil'. The Government Order conferring the power of the detaining authority to issue detention order was issued without translating the same in Tamil language. In



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other words, the Government Order furnished to the detenu is in unknown language to the detenu, which would vitiate the entire proceedings.

3.The non supply of translated version of the Government Order in Tamil caused prejudice to the detenu for submitting effective representation, which is a valuable right provided to the detenu under the Act.

4.The issue regarding serving of translated version of the documents in the preventive detention order has been dealt with by the Three Judges Bench of the Hon'ble Supreme Court of India in the case of ***Powanammal Vs. The State of Tamil Nadu and others reported in 1999 2 SCC 413***. The Apex Court held that non supply of the copy of the documents relied on in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because non- supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. The Court further reiterated that what applies to a document, would equally apply to furnishing translated copy of the document in the language known to and



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understood by the detenu, should the document be in a different language. The

Apex Court had not made any distinction between non serving of a document and the translated copy of the document in the known language of the detenu.

5.In view of the said judgment of the Apex Court, the present Habeas Corpus Petition has to be considered. Consequently, the impugned order of detention passed by the second respondent in Cr.M.P.No.29 of 2024 dated 05.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Arjunraj, S/o. Murugan, aged about 34 years, confined at Central Prison, Trichy, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

14.11.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp

To

1. The Additional Chief Secretary to the Government,
State of Tamil Nadu,

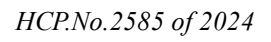


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Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

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2. The District Magistrate & District Collector,
Office of the District Magistrate and District Collector,
Ariyalur District, Ariyalur.
3. The Superintendent of Police,
Trichy Central Prison,
Trichy District,
4. The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur District.
5. The Inspector of Police,
Thirumanur Police Station,
Ariyalur District
6. The Public Prosecutor,
High Court, Madras.



mrp

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